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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,603	01/28/2002	Jorg Hein	4780-21	4012

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/058,603

Applicant(s)  
JORG HEIN

Examiner  
YVONNE M. HORTON

Art Unit  
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 29, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 19, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10 & 11 6) ☐ Other:

Art Unit: 3635

**DETAILED ACTION**

***Allowable Subject Matter***

1. The indicated allowableness of claims 15-18 and 20-21 is withdrawn in view of the newly discovered reference(s) to OFFENBROICH and BANTHIA et al. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 16 recites the limitation "parallel side walls of the frame" in line 2. There is insufficient antecedent basis for this limitation in the claim. Although the frame has been introduced as having side walls, no where does the claim previously indicate that the side walls are parallel. Correction is required.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3635

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12-14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,731,958 to OFFENBROICH. In regards to claim 12, the applicant is reminded that the manner in which a device is intended to be employed does not differentiate the claimed device from a prior art device satisfying the claimed limitations. Further, the claim is merely directed to a "connecting element". The transverse beam of an automobile is not a positive part of the claim limitation, but rather a subcombination of the entire system. Hence, this rejection is based solely on the connecting element alone. OFFENBROICH discloses the use of a connecting element including a frame (1) with side walls (S) extending in an X-direction, and a push-fit body (2) formed thereon, see the marked attachment. The push-fit body (2) has a smaller cross-section than the frame (1) such that the connecting element has two different cross-sections in an X-direction. Regarding claim 13 and 14, the frame (1) surrounds the push-fit body (2) and the push-fit body (2) forms a corner of the frame (1). In reference to claim 19, the push-fit body is arranged to project out from the side wall (S) of the frame (1) in an X-direction.

8. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,059,056 to BANTHIA et al. In regards to claim 12, the applicant is reminded that the manner in which a device is intended to be employed does not differentiate the claimed device from a prior art device satisfying the claimed limitations. Further, the claim is merely directed to a

Art Unit: 3635

“connecting element”. The transverse beam of an automobile is not a positive part of the claim limitation, but rather a subcombination of the entire system. Hence, this rejection is based solely on the connecting element alone. BANTHIA et al. discloses the use of a connecting element (120,130) including a frame (132) with side walls (colored red), see the marked attachment, extending in an X-direction, and a push-fit body (colored green) formed thereon. The push-fit body (colored green) has a smaller cross-section than the frame (132) such that the connecting element (120,130) has two different cross-sections in an X-direction.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3635

11. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,731,958 to OFFENBROICH in view of US Patent #5,609,004 to KREIS. As detailed above, OFFENBROICH discloses the basic claimed connecting element except for the use of a frame bracket. KREIS teaches that it is known in the art to provide a connecting element (3) with a frame bracket (11). Hence, it would have been obvious to one having ordinary skill in the art to provide the connecting element of OFFENBROICH with the frame bracket of KREIS in order to provide the connecting element with a means for attaching other device thereto. In reference to claim 16, the frame bracket (11) of KREIS includes arms (A) aligned with the side walls of the frame (3), see the marked attachment.

12. Claims 15-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,059,056 to BANTHIA et al. in view of US Patent #5,609,004 to KREIS. As detailed above, BANTHIA et al. discloses the basic claimed connecting element except for the use of a frame bracket and sleeve. KREIS teaches that it is known in the art to provide a connecting element (3) with a frame bracket (11). Hence, it would have been obvious to one having ordinary skill in the art to provide the connecting element of BANTHIA et al. with the frame bracket of KREIS in order to provide the connecting element with a means for attaching other device thereto. In reference to claim 16, the frame bracket (11) of KREIS includes arms (A) aligned with the side walls of the frame (3), see the marked attachment. Regarding claims 17 and 18, KREIS further teaches that it is known in the art to provide a connecting element (3) with a sleeve (13,14). Hence, it too would have been obvious to one having ordinary skill in the art at

Art Unit: 3635

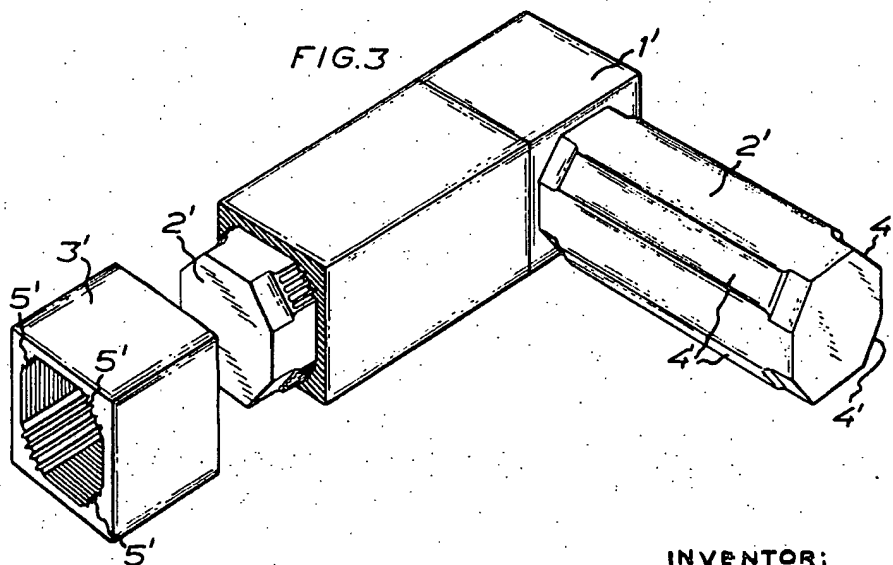
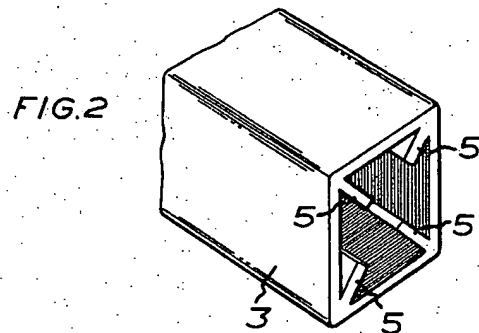
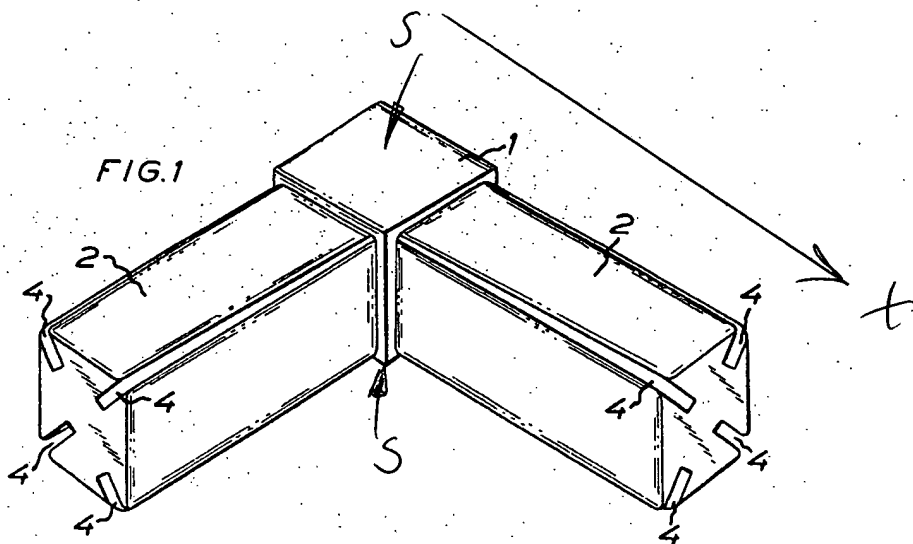
the time the invention was made to provide the connecting element of BANTHIA et al. with the sleeve of KREIS in order to provide an additional more discrete means for attaching another element or device thereto. The sleeves of KREIS lie in the corners of the connecting element. It would have been obvious to one having ordinary skill in the art to place the sleeves of BANTHIA et al., as modified by KREIS, with the sleeves in the corners of the connecting element in order to provide the corners of the connecting element with additional rigidity while also allowing the connecting element to be discretely attached to other elements. In reference to claims 20 and 21, the bracket (11) of KREIS is positioned to one side of the connecting element (3), see figure 1. Hence, BANTHIA et al., as modified by KREIS, would have the bracket positioned to one side of the connecting element of BANTHIA et al. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the frame (132) and the push-fit body (130) would project beyond the frame bracket.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH

Primary Examiner

December 9, 2003



INVENTOR:  
ADRIAN GOTTFRIED OFFENBROICH

by  
*Beveridge & De Grandi*  
Attorneys



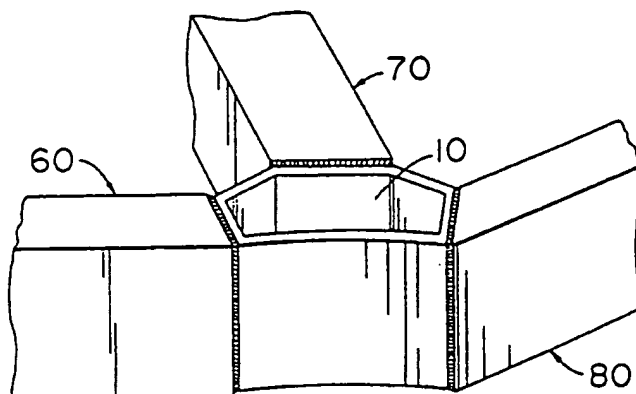


FIG. 6

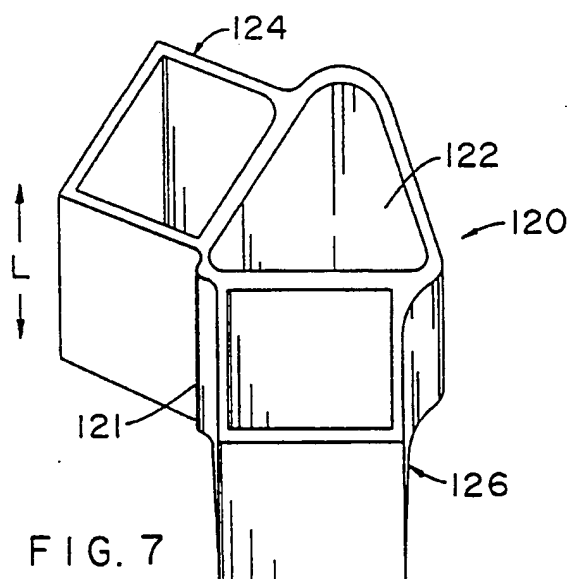


FIG. 7

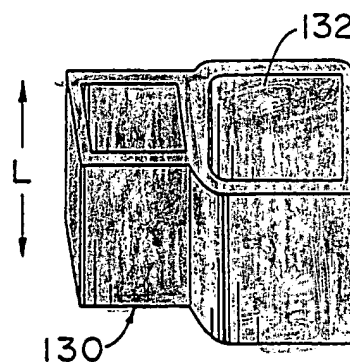


FIG. 8

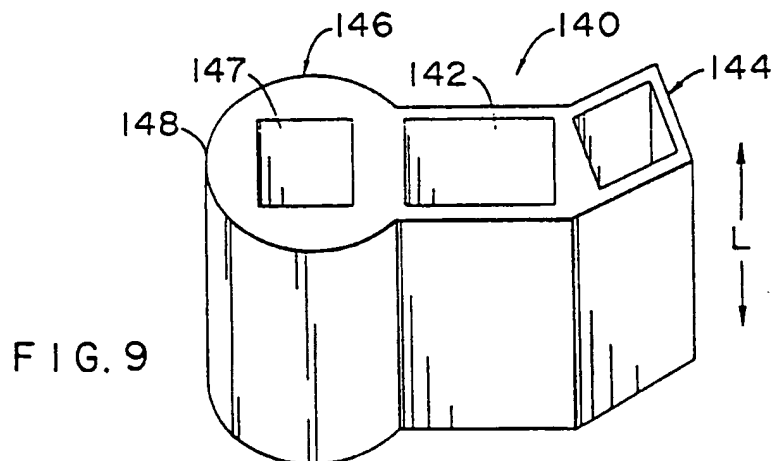


FIG. 9

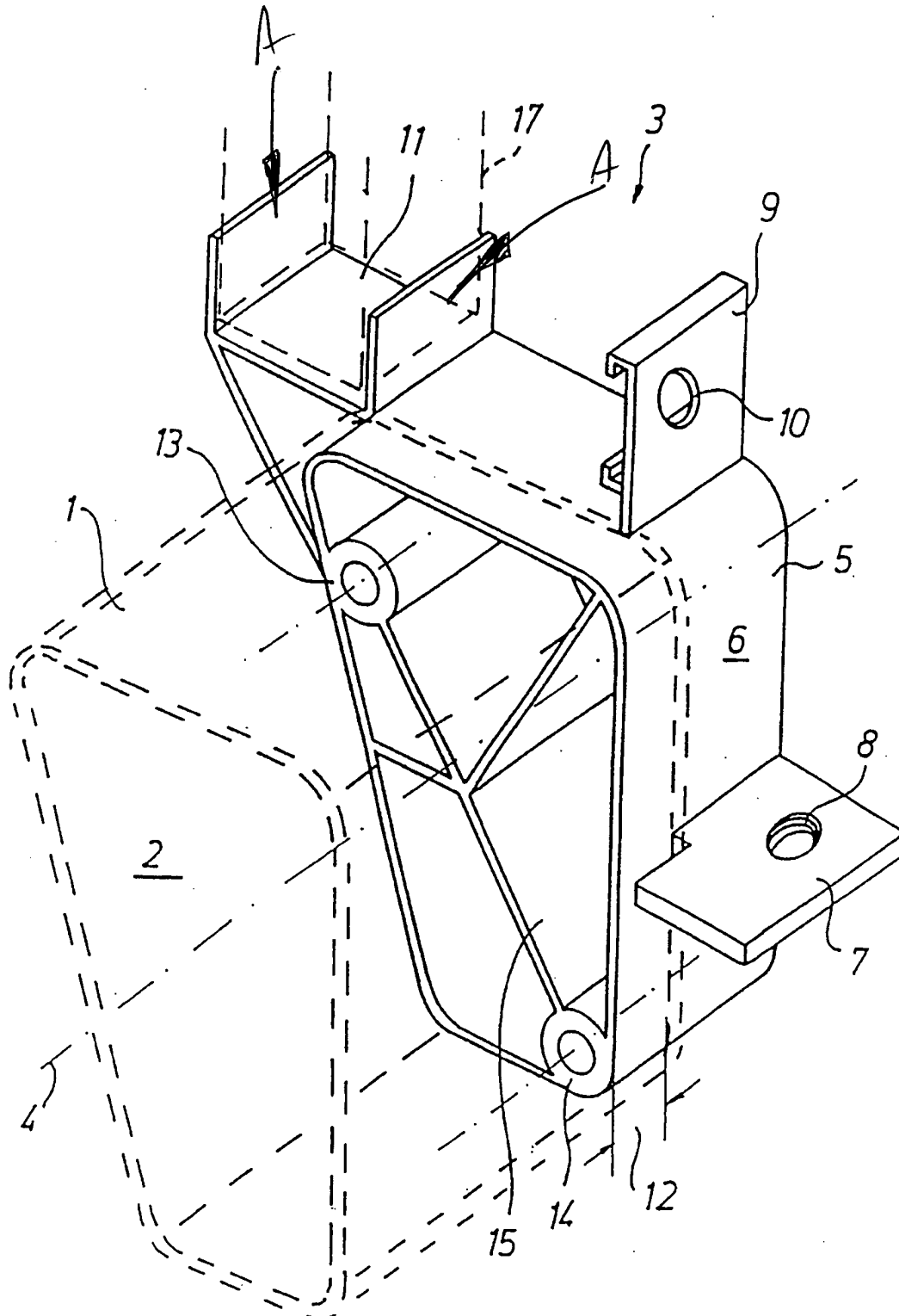


FIG. 1